

PLANNING BOARD

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April 29, 2022

Dear Town Resident,

For over a year, the Planning Board and its consultant, the Metropolitan Area Planning Council ("MAPC"), have drafted the most comprehensive changes to the town's zoning since the zoning law was first adopted decades ago. In this process, the Board has sought input from other boards, other departments, and from members of the public. Many had insightful comments that have helped shape the final document. The existing Zoning Bylaw has inconsistent and outdated language. It fails to address the acute shortage of naturally occurring, affordable housing in the Town. The proposed changes are long overdue.

In 2021 the median single family home price in Rockport rose to over \$800,000. Young families with children cannot afford Rockport, and affordable, decent rental housing is scarce. Not surprisingly, the student population in the Rockport schools has been steadily declining. Many of the proposed Bylaw changes follow the lead of the Baker administration's state-wide legislation to encourage more market-rate, affordable housing in the Commonwealth.

There are four zoning warrant articles to be voted on at Town Meeting. They are within the same zoning bylaw, but we have broken them down into four separate votes. The first article we call the "nuts and bolts" amendments. These require the customary 2/3 vote to be adopted. The other three articles are zoning changes that the Commonwealth wants towns to adopt to promote more market rate, affordable housing. To encourage adoption of these articles, the Commonwealth in section 5 of the Massachusetts Zoning Act has lowered the threshold for approval of the three articles from the 2/3 majority to a simple majority.

The Nuts and Bolts Changes

These amendments are to existing zoning bylaw provisions. The changes are too numerous and diverse to review in this letter. They have been posted on the Planning Board webpage. Here are several examples. A number of definitions in the beginning of the Bylaw are never mentioned in the body of the Bylaw. Other definitions were moved within the Bylaw to more appropriate locations. Archaic language such as "boarding house" or "tourist court" or the reference to obsolete "microwave antennas" have been eliminated. The parking space requirements for many uses were updated to avoid the need to pave large areas because of outmoded parking requirements. The definition of "gross floor area" was revised and illustrated with a diagram. The building inspector has been given beefed up enforcement powers.

Accessory Dwelling Units

Accessory Dwelling Units or “ADUs” are secondary dwellings located either within or detached from the principal dwelling. Sometimes people refer to them loosely as “mother-in-law” apartments. As recognized by the Commonwealth, expanding the number of ADUs could increase the Town’s housing rental capacity. Under the current zoning, in four of the six zoning districts in town an ADU requires a special permit from the Zoning Board of Appeals. In the downtown zoning district, ADUs are presently allowed as of right, and in the SRAA, the Town’s most restrictive zoning district, they are prohibited.

The Baker Administration seeks to have ADUs allowed “as of right” in more zoning districts to promote market-rate, affordable housing. The Planning Board has followed the Governor’s lead. Except in the SRAA, where they would remain prohibited, ADUs under the current zoning proposal would be allowed in all zoning districts as of right.

The new ADU proposal also creates new requirements for ADUs. The existing ADU bylaw has no written standards governing ADUs. How, where, and whether they are built is left to total discretion of the ZBA. In contrast, the proposed Bylaw has four pages of regulations governing the size, construction, design, and operation of ADUs. The Planning Board had a strong concern that ADUs not be used for short term, vacation rentals. As of now, there is no limit on how ADUs are used. With the assistance of MAPC, the Board has created strong and time-tested provisions that would prohibit ADUs except for use in long-term rental commitments.

Open Space Residential Development

The proposed Open Space Residential Development (“OSRD”) bylaw replaces the existing Open Space Residential Development Bylaw. It will require a simple majority vote for adoption. An OSRD is a subdivision that promotes the clustering of houses and the preservation and conservation of open space. The current OSRD Bylaw makes creating an OSRD subject to a special permit from the Planning Board. It contains many unnecessarily burdensome requirements. At the same time, the current OSRD Bylaw allows conventional subdivisions--with their cookie-cutter lots, cul de sacs, and no open space requirements--to be built as of right.

The new OSRD Bylaw reverses this preference. Now an OSRD subdivision can be developed as of right. The process has been streamlined, but remains comprehensive. It will promote intelligent subdivision design and preserves open space. Under the proposed bylaw, a conventional subdivision would require a special permit from the Planning Board.

Transit Oriented Village Overlay District

The proposed Transit Oriented Village Overlay District (“TOVOD”) is the fourth warrant item on the agenda. Under section 5 of the Massachusetts Zoning Act, Rockport is an “MBTA Community.” The Town has been charged under this law with providing a multifamily zoning district with a minimum density of 15 units per acre within one-half mile of the train station. The TOVOD is Rockport’s effort to comply. As with other state-promoted initiatives, it requires only a simple majority vote for adoption.

The TOVOD is shown on a zoning map that is part of the warrant article. It is an overlay zoning district of just over 12 acres in an area immediately surrounding the Rockport MBTA train station. An overlay district does not change the underlying zoning. The underlying zoning around the train station is

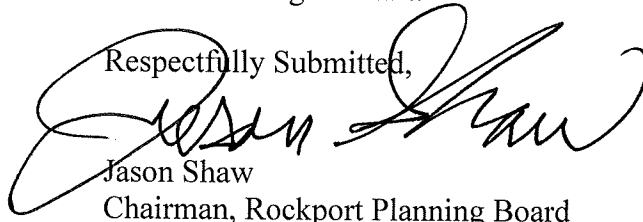
Residential. As most of us are aware, despite the residential zoning, much of the area is used commercially. Nevertheless, the current underlying zoning will remain.

The TOVOD allows a property owner to build multifamily dwellings with at least three or more dwelling units. Nevertheless, the TOVOD does not require construction of multifamily dwellings. The Baker Administration wants to encourage communities with an MBTA station to allow for the construction of multifamily housing within a half mile of the train station. This has the two-fold goal of increasing housing options in Rockport and promoting the use of mass transportation over cars.

The TOVOD bylaw contains design requirements to assure that if any multifamily housing is built in this area that it will be in harmony with the historic, low rise character of the rest of the downtown Rockport area. The TOVOD design guidelines promote the location of commercial establishments on the ground floor levels with apartments located above. This is much like many of the small towns that some of us grew up in. The TOVOD housing cannot be age-restricted, and the goal of the proposal is to increase available and market driven affordable housing for families with children.

The Planning Board has worked hard on multiple revisions of these zoning proposals. We also recognize that the Zoning Bylaws are a living document and that future changes, revisions, and corrections are inevitable. We believe these four warrant articles are a good start.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Jason Shaw", is written over the typed name and title.

Jason Shaw

Chairman, Rockport Planning Board